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## Paris, Haussmann and property owners (1853 – 1860): researching temporally distant events

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# PARIS, HAUSSMANN AND PROPERTY OWNERS (1853-1860): RESEARCHING TEMPORALLY DISTANT EVENTS

This paper will approach the theme of distance and cities, not in terms of distance across space but in term of distance in time. I will explore how a sequence of events distant in historical time can be approached by bracketing established frameworks and by creating a direct engagement with material written at the time of its occurrence. The city is Paris and the time is 1853, at the very beginning of Haussmann's tenure as prefect, the 17 years within which Paris went through a tremendous transformation. A neglected set of archival material from the first years of Haussmann's tenure as Prefect of the Seine (1853-1860) serves as the basis for the empirical analysis I have conducted, the findings of which can then be brought back into the debate to complement the large and heterogeneous literature on the transformation of Paris. A first section will attempt to synthesise this literature by presenting four major strands of investigation into the transformation of Paris (biography, Durkheimian sociology, Marxism and planning history). The paper then moves on to a discussion of my empirical findings: in the first years of his tenure, Haussmann was caught in an intense political confrontation with property owners because of his conception of what planning's role and practice should be, and the way in which it should interact with private property and individual freedom. In the last section, I show how these findings can complement the work of the other strands of investigation into the public work by offering a richer understanding of the evolution of Haussmann's practice: from a coercive stance to property owners, Haussmann had to take a more conciliatory approach when the battle turned to the favour of property owners and his legal and political support eroded. What this paper highlights is not only a way to research temporally distant events but also the distance between the temporality of the everyday functioning of planning and the temporality of these intense sequences when planning itself is defined.

## THEORETICAL ENGAGEMENTS WITH THE TRANSFORMATION OF PARIS

Approaching the transformation of Paris is, most of all, an exercise in temporal distance. The sequence of events has been so deeply studied that through it can be seen the evolution, and ebb and flow, of theoretical scholarship on urban transformations. Interpretations of the public works have changed with the evolving priorities and preoccupations of different generations of scholars. This section will present four major traditions of scholarship on the transformation of Paris, with the aim of concluding that selecting either one of these traditions entails a temporally mediated encounter with the sequence of events they are all based on. A more direct engagement with these events will then be advocated.

I will start with those authors who have attempted to draw a picture of Haussmann, the man, and who can thus be labelled as the biographers. They usually take as the basis of their investigation Haussmann's own *Mémoires*, published in 1890, which they have complemented with speeches, meeting records and reports written by Haussmann and by the memoirs of other key players in the public works. The four main texts in this tradition are those by Chapman (1957), Pinkney (1958), Saalman (1971) and Jordan (1995). Schematically, the two earlier authors have a more positive assessment of Haussmann's actions than the later two. This can be understood by focusing on the historical contexts in which the first texts were written. In English speaking academia, most of what

had been known about the transformation of Paris had come from Geddes in the first decades of the twentieth century and Mumford in the 1930's and 1940's, both of which strongly condemned the public works, for the strategic and military considerations that guided the piercing of the boulevards, the effect they had on worker housing and the imitations the model of Paris spawned. On this latter point, the following quote from Geddes' 1915 *Cities in Evolution* is a good summary of their overall sentiment towards Haussmann: *"Town planning is not something which can be done from above, on general principles easily laid down, which can be learned in one place and imitated in another - that way Haussmannism lies"* (205). Chapman and Pinkney's relatively positive evaluations can thus be understood as attempts to rehabilitate certain aspects of the public works. Saalman's and Jordan's account sought to integrate more recent scholarship on the transformation of Paris and follow the more cautious approach towards the public works prevalent in English speaking academic texts on Haussmann today.

Some of the work used by Saalman and Jordan in their accounts of the transformation of Paris is part of a long tradition of what can be called the Durkheimian school of sociology in France, which focuses on the material aspects of the public works, such as the evolution of house prices, the patterns of housing demolitions and rebuilding and demographic and economic trends. Members of this tradition are Halbwachs (1909), Daumard (1965) and Gaillard (1976). These classic texts, and especially Gaillard's, have been influential in informing English speaking scholarship on the public works. In contrast to the great detail of the biographical accounts described above, Durkheimian scholars all attempted to find the larger patterns at work behind the scenes and how they affected and were affected by the changes that were being brought to the city. Their aim is to present a picture of the major processes (economic, sociological or cultural) that are being expressed through the transformation of Paris as a whole, not the particular ways in which they were in fact expressed historically. Whereas the biographers focused on action and autonomy, these scholars prioritised all that escaped the former and constrained the latter.

For the third group, the urban Marxist scholars, Engel's the *Housing Question* in 1872 was the point of departure: *"By 'Haussmann' I mean the practice which has now become general of making breaches in the working class quarters of our big towns, and particularly in those which are centrally situated, quite apart from whether this is done from considerations of public health and for beautifying the town, or owing to the demand for big centrally situated business premises, or owing to traffic requirements, such as the laying down of railways, streets, etc. No matter how different the reasons may be, the result is everywhere the same: the scandalous alleys and lanes disappear to the accompaniment of lavish self-praise from the bourgeoisie on account of this tremendous success, but they appear again immediately somewhere else and often in the immediate neighbourhood"* (Part 2, III). From Engels' focus on worker housing, with Lefebvre interpretations of the public works passed on to the displacement of the impoverished from the centre to the periphery, sparking him to interpret the Paris Commune as an assertion of the right to the city (Lefebvre 1972). Lefebvre's insights into the relationship between space and Marxist thought sparked a new interest in the public works in Marxist circles, and the theoretical link he established between the public works and the Commune was further investigated by both Castells (1983) and Harvey (2003), the former through an investigation into urban social movements and the latter through the effects of the public works on the spatial organisation of class. Harvey's account represents the latest development in the Marxist understanding of the public works as participating in the development of capitalist modernity.

The last group of scholars that will be discussed here are those who attempt to position the public works in the history of urban planning. The first of the accounts of the development of planning which assigns a role to Haussmann is that of Giedion (1943), who argues that Haussmann was the

first planner to see the large city as a technical problem to be solved; as he says it, Haussmann “wished to make Paris the first of the great cities to be brought into conformity with the industrial age” (469). Next is that of Benevolo (1967), who linked the tensions that arose through the public works to the politics of Haussmann’s planning practice. Sutcliffe (1981) seeks to position the public works in the history of what he calls comprehensive urban planning, which he believes Haussmann fell short of because of his lack of regulation of private development: “*Second Empire Paris, perhaps, came closest to planning without actually getting there*” (204). The last of these accounts to be discussed here is that of Choay (1980, 1983) who has attempted in France to rehabilitate Haussmann, describing his planning as one of regularisation, based around the interconnection of comprehensive and layered systems that fulfilled the twin objectives of circulation and hygiene.

All four of these traditions have had long histories, and have alternated between isolationism and attempts to incorporate findings from other traditions. In addition to a choice over the strand to which to attach one’s investigations into the public works, one has to decide which particular historical period in that tradition one wants to engage with. The passing of time has created a complex web of interpretations, which cut across both theoretical traditions and generational preoccupations. In order to bracket out the choice of a particular node of that web to which to attach my own investigations into the public works, I have decided to focus my work on the time of the events themselves by searching the National Archives for neglected archival material from the years of Haussmann’s tenure as prefect of the Seine.

## ARCHIVES: HAUSSMANN AND PROPERTY OWNERS

My confrontation with the archives brought me to letters sent to Haussmann’s administrative service (the Prefecture of the Seine) or to those of other Ministries involved with the public works (the Ministry of the Interior, the Ministry of Agriculture and Public Works, the Ministry of Finance and even the Emperor or the Empress). These letters were written by property owners to contest the measures taken in their area or that concerned their property. I had not come across any account of these letters from property owners in any of the main texts written in the disciplines interested in understanding the public works, and the three boxes that form the basis of my analysis have not, to my current knowledge, been referenced in any other of the works on the transformation of Paris by Haussmann. They nonetheless seemed to me to contain intensely political material that showed an aspect of Haussmann’s planning practice that is very poorly theorised, with only a limited number of authors hinting at the tension it brought out (Benevolo 1967, Gaillard 1976, Sutcliffe 1981, Harvey 2003).

This tension, as Benevolo puts it, emerged out of Haussmann’s defence of “*the rights of an abstract administrative entity ('the city') against the concrete rights of the citizens*” (1967: 136), with the right of property ownership being foremost among the latter. The conceptions of the way, and of the extent to which, the city administration should regulate the private activity of property owners held by Haussmann and his administration on the one hand and by property owners, the courts, legislators and other state administrations on the other were fundamentally at odds. For Haussmann, it is the city, with its needs and means to achieve them, which should have priority over the needs of private individuals. Any infringement to the rights of the city as a formal entity in favour of the rights of property owners was thus seen as prioritising the individual parts rather than the sum that exceeds them. He sought to defend this conception of planning against attacks from property owners but also from his immediate superior in the administrative hierarchy, the Minister of the Interior, as in the following quote in which he is responding to an injunction from the Minister to allow private building activity to occur between the moment in which a new street piercing is

declared and the moment at which it is actually begun: *“The administration should, without taking any account of its projects and without making a single comment, provide all construction permits requested by individuals within the limits of the old alignments, even as an administrative procedure is under way to adopt new plans. Until the decree declaring expropriations of public utility, everyone should be completely free to take all possible actions to block its subsequent execution; the administration alone would have its hands tied. In this system, the inevitable administrative delays would be a time reserved for private interests, always very apt and very active, to speculate on the projects submitted to the public enquiries, and commit all possible frauds against general and municipal interests”*. (AN, F2 II Seine 35, 1858)

Hausmann goes on to ask the Minister to help him resist the wrongful intentions of property owners, language which clearly shows that a political confrontation is occurring between two conceptions of the way planning should be undertaken. For Hausmann, this means ensuring that urban regulations are obeyed equally by all. This can be seen in another letter to the Minister in which he contests a particular property owner’s attempts to woo the Minister into excusing her from reparations she was ordered to undertake on a building she owned: *“All the repairs that have been prescribed aim to consolidate the constructions elevated by Mme Bonardi outside of all generally accepted construction practices; the improvements made to the buildings since the condemnation cannot suffice to remedy such an unfavourable circumstance: in vain does Mme Bonardi appeal to the inconvenience the works will cause her and her tenants, this is a question of a very secondary order in the face of which the regulations cannot falter. The [city] administration must to the contrary be tough towards speculators who under the pretext of building worker housing, raise for the lowest possible price, in densely populated neighbourhoods, poor constructions whose existence is already limited to the length of a lease, and which jeopardize the lives of tenants”*. (AN, F2 II Seine 35, 1859)

Property owners appealed to the Minister of the Interior to undermine these two aspects of Hausmann’s planning practice: limiting speculation on the city administration’s street projects and applying planning regulations universally and rigorously to all private activity. For property owners, construction freezes and expropriations represented dangerous violations of the rights of property ownership and they did whatever they could to either avoid them or profit from them. They saw Hausmann as attacking individual liberty and thus attempting to revert back to a pre-revolutionary age. As Zeldin remarks, *“the declaration of the rights of man of 1791 was the culmination of a battle of many centuries to defend the dignity of the individual against claims that the public good should always have priority over him”* (1981:30). Hausmann’s attempt to expand the conception such that planning was one instance in which it is legitimate for the public good to trump individual interests was thus as fundamentally at odds with individualism and the ideals of personal liberty.

For example, against Hausmann’s insistence that all private activity should be frozen between the announcement that a street piercing will take place and the moment when it is actually begun, this property owner believed he had the right to do whatever he pleased with his property until it was taken away from him through an expropriation order: *“These public works can only be carried out, after this decision with respect to property owners, by means of expropriation, and until the expropriation has been officially pronounced property rights remain intact, complete. And the right to build is one of the fundamental attributes of property ownership that the [city] administration cannot fail to recognize as legitimate without violating the law and without exceeding its authority, as long it has not followed the judicial process through to the pronouncement of an expropriation”*. (AN, F2 II Seine 35, 1856)

Property owners were only willing to have their property rights restricted by street widening procedures: the city administration produces local alignment maps prescribing the width particular streets should have, and these maps then forbid all new construction and major repairs to building outside of this new alignment. Any other attempts to freeze private construction for the benefit of the city are perceived as illegal. This can be seen in this plea to the Minister of the Interior by a property owner who has been denied the right to make any changes to his property as it will soon be expropriated: *"M. Prefect of the Seine, by denying me the permission to build is causing me great harm and subjects my property to a ban on all construction. This is why, M. Minister, I have thought necessary to refer to your supreme justice an order which without any legal backing constitutes a grave infringement to my interests and my ownership rights. I dare hope that it will prove sufficient to have informed Your Excellency of the illegality of Mr the Prefect of the Seine's decree and the extent of the irreparable harm that it would cause me, for this order to be revoked and for me to be able to resume in legal terms the right to freely make use of my property"*<sup>iv</sup>. (AN, F2 II Seine 35, 1856)

Property owners viewed these new restrictions on their ownership rights as emanating solely from Haussmann's administration, with both the Minister and the Emperor seen to represent a different conception of planning, one that is much more amenable to property owners. It is thus Haussmann's planning practice that they incriminated, as this appeal to the Minister and the Emperor (Haussmann's main political supporter) by a property owner reveals: *"I have thus come to appeal to your justice, M. Minister, so that you make use of your authority to grant me the permission I am asking for, given that I am the owner of the property, that the property is on the proper alignment, and that finally I have the right to make the most of my what is mine; finally, I do not think that M. Prefect, just because construction will happen in 5 years at the earliest can come tie the arms and hands of an industrialist who needs to make a living. His Majesty the Emperor, who is just over all else, if my request could get to him, would not tolerate such an injustice. Made strong by your justice, M. Minister, I await your decision without fear."* (AN, F2 II Seine 35, 1857)

Politics, which emerged out of the confrontation between different conceptions of what planning's role and practice should be, and the way in which it should respond to private property and individual freedom, thus seemed to be a fundamental part of what Haussmann represents. His attempt to ground planning in the universal application of urban regulations and the idea that the public good can be made to trump private interests in particular circumstances were seen to be fundamentally at odds with the revolutionary ideas of the rights of man, represented here by private property rights. This is why, as Benevolo notes, Haussmann's most fervent opponents in the legislature were the liberals (such as Jules Ferry) who were out to defend *"a right consistently recognized by our laws"* (1967: 136), i.e. the right to property.

## INTERPRETATION: ARCHIVES AND EXISTING ACCOUNTS

The picture of the early years of the transformation of Paris that emerges from my analysis is that of a vehement opposition to Haussmann from property owners, centred on Haussmann's political choice to strongly regulate private activity and property owners' outright rejection of this principle. It was not a silent or ignored opposition, but one that Haussmann had to respond to in order to allow him to push his public works forward. This is a view very different from that of the biographers and the planning historians (who pictured Haussmann in his ivory tower, immune from having to engage with critics until very late in the process through parliamentary hearings) and from that of the scholars influenced by Durkheim and Marx (for whom opposition derives from an underlying logic rather than from individuals following through on their own political choices).

From this new vantage point, the approach I have taken speaks to each of the four types of investigation into the public works. For the biographers of Haussmann, his opposition to both property owners and members of the Imperial government reinforces the view that he fought and held an autonomous space within the Imperial administrative machinery to push his own conception of what planning should be. Those who view wider sociological processes as crucial to understanding the public works should take note of the importance in determining the course of the public works of how property owners conceived of their rights of ownership. My analysis also develops some of the ideas about Haussmann's planning practice hinted at by the planning historians, taking what they saw as a tension and showing it was in fact an intense confrontation that severely impacted what Haussmann, as a planner, could do. Most crucially, Marxist scholars may find in Haussmann's emphasis on regulating private activity during 1853-1860 an indication that he was not the proto-capitalist he is set up to be. For the period I am investigating, I have found no indication that Haussmann was deliberately attempting to turn Paris into the bourgeois city it became.

Given my empirical findings, which show Haussmann engaged in a battle with property owners with the aim of imposing a strong regulatory framework on private activity, how can we understand the way in which the transformation of Paris later unfolded? All four traditions agree, at minimum, on the fact that Haussmannisation reinforced the polarisation of the city between the rich West and deprived East and led to the gentrification of many of Paris' neighbourhoods. Without a strategy for worker housing, all concur that the situation of the least well-off deteriorated over the period, and some even see in this the main cause for the Paris Commune that erupted a year after Haussmann's dismissal (March 1871). My hypothesis is that Haussmann's regulatory approach came under the twin pressures of legal attacks from property owners aimed at his planning practice and of an erosion of support from the Imperial Government when Napoleon III realised he could no longer politically afford to alienate property owners. In order to finish the public works programme he had set out, Haussmann may have had to give up his coercive approach towards property owners and moved towards co-optation through speculative opportunities.

Support for this hypothesis can be found in the archival material I gathered and in the evidence presented by writers in the four traditions. The arguments used by property owners in their letters became increasingly steeped in legal argumentation from 1856 onwards, and there are multiple references to ongoing court cases, with some of the more wealthy property owners having opened court cases at the Council of State. Haussmann's main preoccupation in the defence of his planning practice to Minister of the Interior was to avoid creating precedents of property owners planning violations which could then be used against him in court decisions. Both Gaillard (2000:28) and Harvey (2003:128) detail the court decisions that were taken with the property owners against the municipal administration, with Harvey stating that property owners "*managed to turn the tables entirely on Haussmann by the early 1860s*" (Harvey 2003: 128). Roncayolo, whose work bridges geography and history, has detailed the consequences of these unfavourable court decisions on the course of Haussmannisation:

*"The expropriation juries, usually selected from within the ranks of powerful notables and representatives of the high bourgeoisie, tend to integrate more and more firmly in the compensations the value added the public works are hoped to deliver. Anticipation thus profits, in a first instance, to the owners of land, which removes financial resources from the public authority, increases the cost of the operations, and pushes capitalist enterprises towards more selective means of land use or a more rapid circulation of capital through speculative sales of land or buildings. In order to complete the second network and the third, in Paris, Haussmann deals with contractors, to whom he entrusts, in return for a fee, not only the works themselves, but also the risks arising from expropriations. At the same time, the geographical field of public interest is constantly brought back*

*to the strict dispositions contained within the law and the 1852 decree is interpreted in the narrowest possible way. The Council of State condemns the City of Paris in this respect, in March 1856, by denouncing the illegality of certain acquisitions. The Council of State's 27<sup>th</sup> of December 1858 ruling confirms the right of former owners on the sections of expropriated parcels not on the new alignment. Initial possession of land is thus worth speculative profits, while the law of 1807 and the sharing of value-added it imposed are brought back to memory less and less often. This battle of interests, settled most often in the property owners' favour, is not only a page of social history. It marks the topographical design of a large section of the Haussmannian projects". (Roncayolo, in Agulhon, 1983 : 114)<sup>vi</sup>*

However, these legal victories were not a sufficient condition for property owners to break Haussmann's planning practice. He could not be seriously attacked as long as he had the full support of Napoleon III. It was the Emperor himself who had brought Haussmann to Paris and it was the Emperor who had given the impulsion for the public works. As long as Haussmann could defend his actions from the Minister of the Interior by invoking imperial orders – *"Your administration, Mr Minister, wants the same thing as mine: to safeguard the execution of the plans decided by the Emperor"*<sup>vii</sup> (AN, F2 Seine 35, 1858) – his decisions could not be attacked by either property owners or the legislative bodies. As Benevolo informs us: *"precisely because he did have the Emperor's support, Haussmann was always able to avoid having to justify his actions politically and could present them as technical and administrative measures deriving from objective necessities"* (Benevolo, 1967, p. 134).

The property owners' biggest victory was thus of winning over the Ministry of the Interior to their cause. There were many Ministers of the Interior during Haussmann's tenure as Prefect of the Seine, but there was a notable change in attitude towards Haussmann over the years. While the first Interior Ministers raised some objections to Haussmann's practice without actively getting involved, the Interior Ministers of the late 1850s started to side with property owners against Haussmann. While they invoked the importance of property rights, the concern of these later Interior Ministers was much more with matters of national interest, that is, with securing the property owners as supporters of Napoleon III's regime. This can be seen in the rationale invoked by the Interior Minister in late 1856 to oppose Haussmann's injunctions to condemn a property owner who resists undertaking the repairs her property desperately needs and asks the Minister for a grace period:

*"In the strict legal sense, the Prefecture of the Seine is right. However, as the permission is requested only as toleration, for 18 months only, and the house it concerns containing 20 worker lodgings, it seems to me that a refusal would be too rigorous and even impolitic in the current crisis of the rarity and dearness of small lodgings"*<sup>viii</sup>. (AN, F2 II Seine 34, 1856)

In the Minister of the Interior's remit was something called reporting on 'the public opinion', an eloquent turn of phrase to describe the active monitoring of anti-Bonapartist sentiments. While Napoleon III came to power on the back of popular support (and could thus afford not to give pre-eminence to the satisfaction of the wealthy Parisian property owners), this situation changed with the rise of republican sentiment in the late 1850s. What the Ministers of the Interiors of that period were sensing was that Haussmann's hard-line stance against property owners was pushing these away from the regime into republican arms. *"A material foundation was laid for a political rapprochement between Parisian property owners and Empire. Unbeholden at the beginning, the Empire increasingly looked to them as a base of support in a capital where opposition sentiment dominated as early as 1857"* (Harvey 2003:127).



The anonymous letter below was sent to the Ministry of the Interior in 1864 and is a reflection of the change in the dynamic opposing Haussmann and property owners which had occurred in the 1860s: according to its author, Haussmann's actions are the root cause behind the opposition's victories in Paris, but the actions he incriminates are not those which have been detailed in this paper, they are Haussmann's relative disregard of the left bank with respect to the right bank. The author is not complaining about Haussmannisation per se, but because there hasn't been enough of it:

*"The left side of the Seine is so forlorn that we do not know if we belong to Paris or the Province. Why this injustice? Do we not pay our contributions as well on this side as on the right side: if the Emperor and you knew the enemies M. Haussmann begets against the government, you would change the orientation of his work without delay. Of the eleven députés who were appointed last year in Paris, M. Haussmann is always the cause of at least ten. I invite M. Minister to inquire whether the facts described above are accurate. We deeply apologize if we do not sign"<sup>ix</sup>. (AN, F1 cIII Seine 31, 1864)*

## CONCLUSION

This paper has explored how particular historical events could be analysed by bracketing out intervening theoretical developments and by creating a direct relationship with textual material produced during their unfolding. By exploring the surviving archives and by seeking out archival material that seemed neglected, I caught a glimpse of the transformation of Paris through a very particular lens, namely that of letters from property owners to the Minister of the Interior. Brought back into the web of published interpretations of the events, the findings gleaned from the archival material was found to complement them and allow for a new interpretation of Haussmann's role to emerge from their articulation: the wider processes which the urban Marxists and Durkheimian sociologists theorised as determining the course of events can now be understood to have been allowed to act by Haussmann's defeat at the hands of wealthy property owners. Haussmann failed not because he could not control the circulation of capital but because the means to do so were taken away from him by property owners. The autonomy and administrative ability which the biographers highlight was lost in a fiercely fought battle with property owners on the twin fronts of the courts and political support. As for the planning historians, their evaluation of Haussmann's place in history depends on which period of Haussmann's tenure as Prefect they focus on: in the early years, Haussmann was a comprehensive planner who broke the hold of property owners on the planning system; after 1860, he was head of a planning authority once again beholden to property owner interests.

What this particular lens on the transformation of Paris seems to depend on is the identification of the period under question (1853-1860) as a special temporality. The distance of over 150 years separating us from Haussmann's first years as Prefect allows us to see how different those initial years were from the rest of the 19<sup>th</sup> century. We see a planning apparatus seeking to establish itself after years of impotence, and property owners struggling to keep the upper hand. This was a temporality of agency and of opposition: gone were the binds on municipal action, a vision of planning based on the control of the circulation of capital could be pushed through. But any real act of agency immediately calls forth a reaction by proponents of the status quo – in this case, property owners. By calling to them the courts and the political support of the Minister of the Interior, they were able to re-establish the prominence of property rights over the public interest. In addition to the temporal distance to these events themselves, this account shows the distance between the temporality of the everyday functioning of planning and the temporality of these intense sequences when planning itself is defined.

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## ARCHIVAL RESOURCES

Archives Nationales, Paris, box references : F2 II Seine 33, 34 & 54

Archives Nationales, Paris, box reference : F1 cIII Seine 31

## ENDNOTES

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<sup>i</sup> «L'administration devrait, sans tenir aucun compte de ces projets et sans faire la moindre observation, donner toutes les autorisation de construire demandées par les particuliers dans la limite des anciens alignements, alors même qu'une instruction serait ouverte en vue de l'adoption de plans nouveaux. Jusqu'à l'apparition de décret déclaratif de l'utilité publique de ceux-ci, chacun devrait être complètement libre de faire toutes les combinaisons possibles pour en entraver l'exécution ultérieure; l'administration seule aurait les mains liées. Dans ce système, les délais inévitables de l'instruction seraient un temps réservé aux intérêts privés toujours fort habiles et fort actifs, pour spéculer sur les projets soumis aux enquêtes, et ourdir toutes les fraudes imaginables à l'encontre des intérêts généraux et municipaux. » (AN, F2 II Seine 35, 1858)

<sup>ii</sup> «Tous les travaux prescrits tendent à la consolidation de constructions faites par Mme Bonardi en dehors de toutes les règles de l'art; les améliorations exécutées depuis la condamnation ne peuvent suffire pour remédier à un état des choses défavorable: en vain Mme Bonardi s'appuie t'elle sur le trouble que les travaux peuvent causer à elle et à ses locataires, c'est une question très secondaire devant laquelle les règlements ne peuvent faiblir. L'administration doit au contraire se montrer sévère à l'égard de spéculateurs qui, sous le prétexte de faire des logements d'ouvriers, élèvent au plus bas prix possible, dans les quartiers populeux, de mauvaises constructions dont l'existence, limitée d'avance à la durée d'un bail, compromet la vie des locataires. » (AN, F2 II Seine 35, 1859)

<sup>iii</sup> « Ces travaux ne peuvent être exécutés après cette déclaration vis-à-vis des propriétaires que par voie d'expropriation, et jusqu'au jugement d'expropriation les droits de propriété demeurent intacts, complets. Or le droit de bâtir est un des attributs essentiels de la propriété que l'administration ne saurait méconnaître sans violer la loi, et sans commettre un excès de pouvoir, tant qu'elle n'a pas poursuivi et fait prononcer une expropriation régulière. » (AN, F2 II Seine 35, 1856)

<sup>iv</sup> « M. le Préfet, en me refusant la permission de construire me cause un grave préjudice et met ma propriété en interdit. Voilà, M. le Ministre, pourquoi j'ai cru devoir déférer à votre souveraine justice un arrêté qui sans motifs légaux porte une si grave atteinte à mes intérêts et mon droit de propriété. J'ose espérer qu'il suffira d'avoir signalé à Votre Excellence, l'illégalité de l'arrêté de M. le Préfet et l'importance du tort irréparable qui en résulterait pour moi, pour que cet arrêté soit rapporté et je reprenne dans les termes légaux la libre disposition de ma propriété. » (AN, F2 II Seine 35, 1856)

<sup>v</sup> « Je viens donc faire appel à votre justice, M. le Ministre, pour que vous usiez de votre autorité pour m'accorder la permission que je demande, attendu que je suis propriétaire, je suis à l'alignement de la rue, et qu'enfin j'ai le droit de jouir de mon bien; enfin je ne crois pas que M. le Préfet, sous prétexte que les travaux se feront dans cinq années au plus tôt puisse venir lier les bras et les mains à un industriel qui a besoin de gagner sa vie. Sa Majesté l'Empereur qui est juste par dessus tout, si ma demande pouvait lui parvenir ne tolérerait pas une pareille injustice. Fort de votre justice, M. le Ministre, j'attends sans crainte votre décision. » (AN, F2 II Seine 35, 1857)

<sup>vi</sup> « Les jurys d'expropriation, choisis le plus souvent parmi les grands notables et les représentants de la haute bourgeoisie, sont amenés de plus en plus fermement à intégrer dans les indemnités les plus values espérées des grands travaux. L'anticipation profite ainsi, en premier, au propriétaire du sol, ce qui ôte des moyens de financement à l'autorité publique, accroît le coût des opérations, conduit les sociétés capitalistes vers des formes plus sélectives d'utilisation des terrains ou une rotation plus rapide des capitaux par la vente spéculative du sol ou des immeubles. Pour l'achèvement du deuxième réseau et l'achèvement du troisième, à Paris, Haussmann s'adresse à des compagnies concessionnaires auxquelles il confie, moyennant forfait, non seulement la conduite des travaux, mais les risques de l'expropriation. En même temps, le champ géographique de l'intérêt public est sans cesse ramené aux strictes dispositions prévues par la loi et le décret de 1852 est interprété de la manière la plus étroite. Le Conseil d'Etat condamne sur ce point la Ville de Paris, en mars 1856, en dénonçant l'illégalité de certaines acquisitions. L'arrêt du Conseil d'Etat, pris le 27 décembre 1858, confirme les droits des anciens propriétaires sur les parties des parcelles expropriées, qui restent hors-lignes. La possession initiale du sol vaut ainsi des bénéfices spéculatifs, alors que la loi de 1807 et le partage de la plus-value qu'elle imposait, sont de moins en moins rappelés. Cette lutte d'intérêts, tranchée le plus souvent en faveur du propriétaire, n'est pas seulement une page d'histoire sociale. Elle marque le dessin topographique d'une grande partie des opérations haussmanniennes. » (Roncayolo, in Agulhon, 1983 : 114)

<sup>vii</sup> « Mais votre administration, Monsieur le Ministre, veut ce que veut la mienne: sauvegarder l'exécution des plans arrêtés par l'empereur. » (AN, F2 II Seine 35, 1858)

<sup>viii</sup> « En droit strict la Préfecture de la Seine a raison. Mais la permission n'étant demandée qu'à titre de tolérance, pour 18 mois seulement, et d'un autre côté la maison dont il s'agit contenant 20 logements d'ouvriers, il semble qu'un refus serait trop rigoureux et même impolitique dans la crise actuelle de la rareté et de la cherté des petits logements. » (AN, F2 II Seine 34, 1856)

<sup>ix</sup> « Le côté gauche de la Seine est tellement délaissé que nous ne savons si nous appartenons à Paris ou à la Province. Pourquoi donc une telle injustice ? Ne payons nous pas aussi nos contributions de ce côté que du côté droit : si l'Empereur et vous saviez les ennemis que Monsieur Haussmann engendre contre le gouvernement, vous modifieriez sans retard son travail. Sur les onze députés qui ont été nommés l'année dernière à Paris, Monsieur Haussmann est toujours l'auteur d'au moins dix. Que Monsieur le Ministre veuille bien s'informer si les faits relatés ci-dessus sont exacts. Mille excuses si nous ne signons. » (AN, F1 cIII Seine 31, 1864)